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BOARD OF PHARMACY

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PUBLIC MEETING NOTICE:	BOARD OF PHARMACY – Legislative Committee Meeting
DATE AND TIME:	Wednesday, March 16, 2016 9:30 am
PLACE:	Conference Room A, 2 nd Floor Cannon Building 861 Silver Lake Blvd., Dover, DE 19904
APPROVED:	Approved with Changes 4/20/16

MEMBERS PRESENT

Hooshang Shanehsaz, Chair
Susan Esposito, R.Ph.
Bonnie Wallner, R.Ph.
Kim Robbins, R.Ph.
Tejal Patel, PharmD
Jay Galloway
Amy Bixler

MEMBERS ABSENT

ALSO PRESENT

Deborah Hamilton
Sean Moore

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

David Dryden, R.Ph., J.D., Pharmacy Executive Director
Eileen Kelly, Deputy Attorney General
Christine Mast, Administrative Specialist III

CALL TO ORDER

Mr. Shanehsaz called the meeting to order at 10:50 am.

NEW BUSINESS

A motion to move ahead to agenda item 2.3 was made by Ms. Robbins seconded by Ms. Patel. The motion carried unanimously.

Consumer Healthcare Products Association (CHPA) – Draft Model State Dextromethorphan Legislation – Deborah Hamilton and Sean Moore met with the committee to assist with any further questions or concerns of the Board. Mr. Shanehsaz expressed concerns in moving the drug behind the counter and Ms. Hamilton expressed that this is not part of the legislation. The legislation is asking for age requirements to purchase which would require the ID to be checked when purchased for anyone appearing to be 25 years or younger. Ms. Hamilton was asked if there was Delaware specific data available and she stated that Delaware specific data was not currently available. Ms. Hamilton has received no opposition to the modest monetary penalties presented to other stake holders. The committee asked who will be responsible to enforce this legislation if it becomes law. The enforcement

of this legislation is proposed to be enforced by the Office of Controlled Substance or possibly Law Enforcement. This has not been determined at this point of the legislative process. Mr. Dryden suggested considering the population of people who do not have a picture ID as well. This has presented itself to be an issue with prescriptive medications that require picture ID. Some religious groups are prohibited from having their picture taken. This could present itself to be a larger issue than anticipated if not considered. He suggested avoiding language that states a picture ID is required to prevent unintended circumstances for this population of individuals. The committee express that their position would lean more to the educational side of this issue. They agree education of the public and the pharmacy employees is imperative to prevent abuse of Dextromethorphan.

Practitioner Pharmacy Ownership – Mr. Dryden spoke to the committee and provided information received from Pennsylvania. Pennsylvania allows practitioner pharmacy ownership but only allows ownership controlling interest greater than 50%. He provided the committee with alternatives to practitioner ownership of pharmacies in lieu of prohibiting it.

The committee expressed concerns of practitioner ownership of a pharmacy which included: Conflict of Interest, Practitioner steering the patient to a medication that is not in the best interest of the patient (the physician has received a deal on certain medications), Freedom of Choice of Pharmacy used not explained to the patient (practitioner makes patient feel they have to use the practitioner pharmacy), No complete medication history of the patient when cash is paid (these drugs are often not reported to anyone).

Mr. Shanehsaz stated allowing practitioners to have ownership of a pharmacy provides the Board jurisdiction and inspection authority over the pharmacy. This provides a great level of protection to the public and does not prevent restraint of trade.

The committee's most immediate concern is that patients are not being educated on their right to choose their pharmacy per the "Freedom of Choice Law". Pressure is placed on the patient to utilize the practitioner pharmacy and is not aware they have a right to choose. In some cases if the patient presses this issue the practitioner will then add a fee to write a prescription in addition to the office visit fee. The committee discussed the feasibility of signage located in the pharmacy to educate the public of their right to choose. Ms. Patel suggested the following draft language for signage to be reviewed next meeting; *Under Federal and State Authority Every Patient has the "FREEDOM OF CHOICE" to go to any pharmacy. If you have any questions or concerns please call, the Board of Pharmacy at 302-744-4500.* Mr. Dryden stated he would create draft signage regulation changes for review.

Dispensing of Syringes by the Pharmacist – Mr. Shanehsaz read the Controlled Substance law related to syringes §4762(a)(1)(2)(3)-(e) for the committee. The issues of concern from the committee are; some Insulin does not require a prescription as well as allergy injections. The language in the statute does not provide for these medications. The word "Prescription" should be reviewed and removed/changed in the language. Also the language "self or minor child" only needs to be changed or removed. Veterinary medication for an animal is also not addressed in the language. Ms. Bixler shared with the committee issues that occur in the pharmacy with the public requesting syringes. The committee also expressed the possibility of a log to be required for these syringes. Mr. Dryden stated he would take these recommendations to the Controlled Substance Advisory committee next meeting for comment.

PUBLIC COMMENT

Ms. Robbins stated that at the DPS meeting EPrescribing electronic C2 future dates were discussed. Mr. Dryden stated that the pharmacist can hold the C2 prescription number and reassign it if the number is changed in the system then, the original prescription number issued by the system must be removed and the new number is utilized when the fill date is reached. Put the old label and the new label next to each other which is required by regulation if the label is available to be printed.

Mr. Shanehsaz asked that “Delaware Health Information Network” (DHIN) be added as an agenda item for next meeting.

NEXT SCHEDULED MEETING

The next scheduled meeting of the committee will be April 20, 2016, immediately following the Board of Pharmacy meeting on this date.

ADJOURNMENT

There being no other business before the committee. A motion to adjourn was made by Ms. Patel, seconded by Ms. Esposito. The motion unanimously carried at 12:23 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mast", written in a cursive style.

Christine Mast
Administrative Specialist III
Board of Pharmacy